

REMARKS/ARGUMENTS

This amendment is responsive to the Office Action that issued July 2, 2004. In light of the following remarks, reconsideration and removal of the grounds for rejection are respectfully requested. Claims 1-14 are pending in this Patent Application. Claims 1 and 8 are independent claims.

In the Office Action, the specification is objected to because information regarding related applications cited at page 5, line, was not updated. In response, the above includes an amendment to the cited portion of the specification supplying the updated information. Accordingly, it is respectfully submitted that the specification is now in proper form and a notice to that effect is respectfully requested.

In the Office Action, the Examiner rejected Claims 1-5 and 8-12 under the judicially created doctrine of double patenting as being unpatentable over Claim 1-6 and 10-14 of U.S. Patent No. 6,725,231. In response, a Terminal Disclaimer in compliance with 37 C.F.R. §1.321 is enclosed herewith in Appendix A. Accordingly, the Applicants respectfully request that this ground for rejection be withdrawn.

Claims 1-7 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication No. 2002/0122057 to Maloney, ("Maloney") in view of the publication by Clunie,

entitled, "DICOM SR Meets XML" and "SR Object Model (SR_OM)",
NEMA SR Workshop (pages 1-22, March 29-30 2000), (hereinafter
"Clunie") in further view of U.S. Patent No. 6,732,330 to
Claussen ("Claussen"). Claim 8 is rejected under 35 U.S.C.
§103(a) as unpatentable over Clunie. Claims 9-11 are rejected
under 35 U.S.C. §103(a) as unpatentable over Clunie in view of
Claussen. Claims 12-14 are rejected under 35 U.S.C. §103(a) as
unpatentable over Clunie in view of Claussen in further view of
Maloney.

In response, to the 35 U.S.C. §103(a) rejections,
Applicants provide the following remarks together with a Philips
Research restricted access report by Kwok Pun Lee and Jingkun
Hu, the Applicants, entitled "A Translator for Structured
Reports from DICOM Binary Format to XML Format", (hereinafter
the "Applicant's Report" as included in Appendix B) and a
Declaration under 37 C.F.R. §1.131 included in Appendix C in
support of the Applicants Report. The Applicant's Report
together with the 37 C.F.R. §1.131 Declaration clearly shows a
reduction to practice of the inventions protected by the
currently pending claims prior to the March 2, 2001 filing date
of Maloney.

Applicants proffer the Declaration of Kwok Pun Lee (as
included in Exhibit C) pursuant to 37 C.F.R. §1.131 together

with the Applicant's Report and respectfully submit that together these documents obviate Maloney and thus the rejections under 35 U.S.C. §103. In particular, Applicants' respectfully submit that the §1.131 Declarations and the Applicant's Report evidence a prior reduction to practice of the teachings of Maloney. Thus, the 35 U.S.C. §103(a) rejections are overcome. In light of the substantial evidence contained herein, it is respectfully requested that the 35 U.S.C. §103(a) rejections be withdrawn.

The Applicant's have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By Gregory L. Thorne

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September 29, 2004

Enclosures: Exhibit A: Terminal Disclaimer
Exhibit B: Applicant's Report
Exhibit C: §1.131 Declaration

CERTIFICATE OF MAILING

It is hereby certified that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to:
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

On September 29, 2004

By Noemi Chapa
Mailing Party